



Agenda Item Summary

MEETING DATE: November 12, 2024

SUBJECT: **Resolution No. 86-R-2024** – A Resolution of the Town of Mead, Colorado, Approving a Form Revocable Encroachment License Agreement and Authorizing the Town Manager to Approve and Execute the Revocable Encroachment License Agreement on Behalf of the Town in Limited Circumstances

PRESENTED BY: Erika Rasmussen, P.E., Town Engineer

THROUGH: Marcus McAskin, Town Attorney

SUMMARY

Resolution No. 86-R-2024 (“Resolution”) approves a “form” revocable encroachment license agreement, in substantially the same form as attached to Resolution as **Exhibit 1** (“Form Agreement” or “Encroachment Agreement”), and delegates authority to the Town Manager to review, administratively approve, and execute the Form Agreement, in limited circumstances, without bringing each Encroachment Agreement back to the Board of Trustees (“Board”) for approval or ratification.

The Board is authorized to grant the Town Manager authority to administratively approve and execute the Form Agreement per Section 2-3-120(e)(13) of the *Mead Municipal Code* (“MMC”).

Development applications that are approved by the Board may, from time to time, require the property owner/developer to construct, install, operate, and maintain certain private improvements and facilities (e.g., landscaping, sidewalks, stairs, ramps and railings) (“Private Improvements”) that encroach into the Town’s public right-of-way. Further, there are times when a Town building permit, development permit or ROW permit is issued on the condition that a property owner/applicant complete certain Private Improvements in the Town’s public right-of-way. In these and similar limited circumstances, it is appropriate to utilize the Form Agreement to: (1) memorialize the obligations of the property owner/developer/applicant with respect to the Private Improvements located within the Town ROW; (2) obligate the property owner/developer/applicant to maintain the Private Improvements; (3) provide the Town with the right to revoke the license and require the removal of the Private Improvements when necessary to protect the public health, safety and welfare; and (4) document other contractual enforcement rights of the Town.

Town Staff recommends approval of the Resolution. A motion to approve the November 12th consent agenda will approve the Resolution.

If the Board adopts the Resolution, the Town Manager will be authorized to administratively approve and execute the Form Agreement, without coming to the Board for approval or ratification, in certain limited circumstances (as outlined above). Further, the Resolution authorizes the Town Attorney to make non-material changes to the Form Agreement as long as the changes do not materially increase the Town’s financial obligations.

The Resolution also instructs the Town Clerk to record each fully executed Encroachment Agreement in the Weld County property records when directed to do so by the Town Manager or Town Attorney.

FINANCIAL CONSIDERATIONS

None.

STAFF RECOMMENDATION/ACTION REQUIRED

As set forth above, Staff recommends approval of the Resolution. A motion to approve the November 12, 2024, consent agenda will approve the Resolution. If the Board decides to remove this item from the consent agenda for questions or additional discussion, staff recommends the following motion:

Suggested Motion:

“I move to approve Resolution No. 86-R-2024, A Resolution of the Town of Mead, Colorado, Approving a Form Revocable Encroachment License Agreement and Authorizing the Town Manager to Approve and Execute the Revocable Encroachment License Agreement on Behalf of the Town in Limited Circumstances.”

ATTACHMENTS

Resolution No.86-R-2024
Exhibit 1 (Form Revocable Encroachment License Agreement)